

REMARKS

Agent for Applicant presents original claims 2-4, 6-12 and 14-25, previously amended claims 5, 13, 26 and 27 and currently amended claim 1 for consideration by the Examiner. The present application has 27 claims in total.

Claims Rejection – 35 USC §103

The Examiner rejects claims 1-27 as unpatentable over US Patent Application No. 2002/0072974 (Pugliese) in view of US Patent Application No. 2002/0035562 (Roller).

Pugliese discloses a ShopLive system that, amongst other elements, includes:

- a ShopLive Browser which provides access to a collection of malls and merchant's facilities (para. 0164), any may provide a portal whereby a Shopper can access a ShopLive mall that includes "a collection of video enabled merchants" (para. 0166).
- an "Internet browser toolbar" that "features a customizable ShopLive toolbar menu" (para. 0409);
- an "auction registration function" where shoppers can "register for a schedule action and be assigned an automatic bid code for dynamic auctions", and the function "handles the notification of participants who have registered for an auction" (para. 378);
- a "nightly batch processing function" that "makes use of the personal notification processing function to alert shoppers to sale items or automatic personal reminders" and "updates the notification queues in both real-time and as part of a scheduled batch nightly process" (para. 0386);
- a "Creations functional area" that "describes the services and functions provided by a typical Creations Mall within the application" (para. 0393); and
- a browser to provide "consumers with a specialized PC Live Browser screensaver that turns their PC or like device such a web TV of mobile device into an advertising medium" that is "targeted to the shopper based upon their shopper profile, brand references and purchase history and family or consumer demographics" (para. 0403).

Roller discloses a “data collection and analysis system” that is “capable of extracting data from various disparate sources” to “show trends in the business operations” (abstract) that, amongst other elements, includes:

- “analyzed data” that “can be made available to users on a nearly real time basis that allows the users to view trends in business operation and plan accordingly” (abstract);
- “data generated by business enterprises that are structured as reflected in FIGS. 1 and 2, remains segregated in discreet storage mediums” (para. 0029 and FIGS. 1 and 2); and
- “flow of data in a data processing system” shown in FIG. 3 which:
 - “is based on the Epiphany [version] E.5 AP Analytic Platform software” (para. 0030);
 - includes an “extractor” that “provides a common interface across each of the contact source systems...i.e., a telephone reception contact channel including an Automatic Call Distributor” (para 0031);
 - “the extractor dictates rules regarding the required specifications and protocols of the data which a resource which enters a contact or contact channel must collect for communication to the extractor...the extractor thus mandates and extracts data which the data model requires from the contact source databases” (para. 0032); and
 - “the data is then transformed by the transformation software to a standardized usable format” (para. 0033).

The present invention as disclosed in the present patent application includes a method of generating sales over the Internet (claim 1), an Internet sales generation system (claim 13), and a computer program product (claims 26 and 27). The present invention generally involves (as claimed in claim 1):

- “signing up one or more sales agent users for access to a server application executed on a web server” that is “connected to the Internet”;

- “customizing, publishing and updating a web site...based on application of a plurality of web design selection tools...whereby:”;
 - “the web site includes a public area and an administration area;”
 - “the server application enables the one or more sales agent users to design web sites dynamically having function aspects built into the web sites that are linked to the sales generation process;”
 - “the plurality of web selection tools and plurality of web templates are updated regularly by an operator of the server application...whereby the plurality of web selection tools and plurality of web templates are current with best practices of sales generation; and”
 - “the web sites of each sales agent user are presented to a user as: unrelated to other web sites built by other sales agent users...as related to one or more web sites of individual sales agent users...or as a network of web sites of individual sales agent users...and said network of web sites including a master web site;”
- “collecting contact data for customers and potential customers via the web site” or “a remote computer of one or more sales agents” or “through client input via a user interface, whereby:”
 - “the contact data collected...is stored to a common database linked to the server application;”
 - “the server application enables the one or more sales agent users to control access to their contact data stored in the database” ;
 - “the contact data stored in the database being updatable on an ongoing basis”;
- “creating customized sales tools...by means of a sales tool facility provided by the server application, whereby the sales tools are customizable to promote sales based on a plurality of sales tool templates provided by the sales tool facility; and”
- “communicating the sales tools to one or more selected customers or potential customers via the server application.”

Examiner makes comments regarding each section of claim 1 individually. For this reason the following discussion is directed to each section of claim 1 to address the objections of the Examiner.

Claim 1(b)

With regards to claim 1(b), neither Pugliese nor Roller disclose: “a method of generating sales over the Internet comprising: customizing, publishing and updating a web site promoting goods or services using the server application, based on application of a plurality of web design selection tools to a plurality of web templates provided by the server application”.

Examiner points to para. 409 of Pugliese, which discloses: an “Internet browser toolbar” that “features a customizable ShopLive toolbar menu”.

Pugliese does not disclose “customizing, publishing and updating a web site...based on application of a plurality of web design selection tools to a plurality of web templates” as claimed in claim 1(b). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(b)(i)

With regards to claim 1(b)(i), neither Pugliese nor Roller disclose “a method of generating sales over the Internet comprising: customizing, publishing and updating a web site promoting goods or services using the server application, based on application of a plurality of web design selection tools to a plurality of web templates provided by the server application, whereby: the web site includes a public area and an administration area.” For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(b)(ii)

With regards to claim 1(b)(ii), neither Pugliese nor Roller disclose “a method of generating sales over the Internet comprising: customizing, publishing and updating a web site promoting goods or services using the server application, based on application of a plurality of web design selection tools to a plurality of web templates provided by the server application, whereby: the server application enables the one or more sales agent users to

design web sites dynamically having function aspects built into the web sites that are linked to the sales generation process”.

Examiner points to para. 378 of Pugliese, which discloses an “auction registration function” where shoppers can “register for a scheduled action and be assigned an automatic bid code for dynamic auctions”, and the function “handles the notification of participants who have registered for an auction”. There is no disclosure of enabling “one or more sales agent users to design web sites dynamically”.

Pugliese does not disclose “the server application enables the one or more sales agent users to design web sites dynamically having function aspects built into the web sites that are linked to the sales generation process;” as claimed in claim 1(b)(ii). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(b)(iii)

With regards to claim 1(b)(iii), neither Pugliese nor Roller disclose “a method of generating sales over the Internet comprising: customizing, publishing and updating a web site promoting goods or services using the server application, based on application of a plurality of web design selection tools to a plurality of web templates provided by the server application, whereby: the plurality of web selection tools and plurality of web templates are updated regularly by an operator of the server application to incorporate one or more feature aspects and one or more function aspects linked to the sales generation process whereby the plurality of web selection tools and plurality of web templates are current with best practices of sales generation”.

Examiner points to para. 386 of Pugliese, which discloses a “nightly batch processing function” that “makes use of the personal notification processing function to alert shoppers to sale items or automatic personal reminders” and “updates the notification queues in both real-time and as part of a scheduled batch nightly process”.

Pugliese does not disclose “the plurality of web selection tools and plurality of web templates are updated regularly by an operator of the server application to incorporate one or more feature aspects and one or more function aspects linked to the sales generation process whereby the plurality of web selection tools and plurality of web templates are current with best practices of sales generation;” as claimed in claim 1(b)(iii). For this reason and the

reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(b)(iv)

With regards to claim 1(b)(iv), neither Pugliese nor Roller disclose “a method of generating sales over the Internet comprising: customizing, publishing and updating a web site promoting goods or services using the server application, based on application of a plurality of web design selection tools to a plurality of web templates provided by the server application, whereby: the web sites of each sales agent user are presented to a user as: unrelated to other web sites built by other sales agent users using the server application; as related to one or more web sites of individual sales agent users, said one or more web sites being built using the server application; or as a network of web sites of individual sales agent users being built using the server application and said network of web sites including a master web site”.

Examiner points to para. 393 of Pugliese, which discloses a “Creations functional area” that “describes the services and functions provided by a typical Creations Mall within the application”.

Pugliese does not disclose “the web sites of each sales agent user are presented to a user as: unrelated to other web sites built by other sales agent users...as related to one or more web sites of individual sales agent users...or as a network of web sites of individual sales agent users being built using the server application and said network of web sites including a master web site;” as claimed in claim 1(b)(iv). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(c)

With regards to claim 1(c), neither Pugliese nor Roller disclose “a method of generating sales over the Internet comprising: collecting contact data for customers and potential customers via the web site, collecting contact data from a remote computer of one or more sales agents, or collecting contact data through client input via a user interface”.

Examiner points to the abstract of Roller, which discloses a “data collection and analysis system” that is “capable of extracting data from various disparate sources” to “show trends in the business operations”, the “analyzed data...can be made available to users on a nearly real

time basis that allows the users to view trends in business operation and plan accordingly". There is no reference to "collecting contact data for customers and potential customers via the web site".

Roller does not disclose "collecting contact data for customers and potential customers via the web site, collecting contact data from a remote computer of one or more sales agents, or collecting contact data through client input via a user interface" as claimed in claim 1(c). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(c)(i)

With regards to claim 1(c)(i), neither Pugliese nor Roller disclose "a method of generating sales over the Internet comprising: collecting contact data for customers and potential customers via the web site, collecting contact data from a remote computer of one or more sales agents, or collecting contact data through client input via a user interface, whereby: the contact data collected via the web site and the contact data collected from the one or more sales agents is stored to a common database linked to the server application".

Examiner points to FIG. 1 of Roller, which is described in para. 0029 as reflecting "data generated by business enterprises that are structured as reflected in FIGS. 1 and 2, remains segregated in discreet storage mediums". Data is not stored to a common database.

Roller does not disclose "the contact data collected via the web site and the contact data collected from the one or more sales agents is stored to a common database linked to the server application" as claimed in claim 1(c)(i). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(c)(ii)

With regards to claim 1(c)(ii), neither Pugliese nor Roller disclose "a method of generating sales over the Internet comprising: collecting contact data for customers and potential customers via the web site, collecting contact data from a remote computer of one or more sales agents, or collecting contact data through client input via a user interface, whereby: the server application enables the one or more sales agent users to control access to their contact data stored in the database whereby the contact data of one sales agent user being accessible by multiple sales agent users, such access being granted by the one sales agent user".

Examiner points to FIG. 3 of Roller, which is described in paras. 0030-33 as reflecting “flow of data in a data processing system” which: “is based on the Epiphany [version] E.5 AP Analytic Platform software” (para. 0030); includes an “extractor” that “provides a common interface across each of the contact source systems...i.e., a telephone reception contact channel including an Automatic Call Distributor” (para 0031); “the extractor dictates rules regarding the required specifications and protocols of the data which a resource which entertains a contact or contact channel must collect for communication to the extractor...the extractor thus mandates and extracts data which the data model requires from the contact source databases” (para. 0032); and “the data is then transformed by the transformation software to a standardized usable format” (para. 0033). Extractor rules control access to contact data.

Roller does not disclose “the server application enables the one or more sales agent users to control access to their contact data stored in the database whereby the contact data of one sales agent user being accessible by multiple sales agent users, such access being granted by the one sales agent user” as claimed in claim 1(c)(ii). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(c)(iii)

With regards to claim 1(c)(iii), this claim is amended to be positively claimed. Neither Pugliese nor Roller disclose “a method of generating sales over the Internet comprising: collecting contact data for customers and potential customers via the web site, collecting contact data from a remote computer of one or more sales agents, or collecting contact data through client input via a user interface, whereby: the contact data stored in the database being updatable on an ongoing basis” as claimed in claim 1(c)(iii). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(d)

With regards to claim 1(d), neither Pugliese nor Roller disclose “a method of generating sales over the Internet comprising: creating customized sales tools being one or more sales generation related documents or one or more sales generation related communications by means of a sales tool facility provided by the server application, whereby the sales tools are

customizable to promote sales based on a plurality of sales tool templates provided by the sales tool facility”.

Examiner points to para. 393 of Publiese, which discloses a “Creations functional area” that “describes the services and functions provided by a typical Creations Mall within the application”.

Pugliese does not disclose “creating customized sales tools being one or more sales generation related documents or one or more sales generation related communications by means of a sales tool facility provided by the server application, whereby the sales tools are customizable to promote sales based on a plurality of sales tool templates provided by the sales tool facility” as claimed in claim 1(d). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claim 1(e)

With regards to claim 1(e), neither Pugliese nor Roller disclose “a method of generating sales over the Internet comprising: communicating the sales tools to one or more selected customers or potential customers via the server application”.

Examiner points to para. 403 of Publiese, which discloses a browser to provide “consumers with a specialized PC Live Browser screensaver that turns their PC or like device such a web TV of mobile device into an advertising medium” that is “targeted to the shopper based upon their shopper profile, brand references and purchase history and family or consumer demographics”.

Pugliese does not disclose “communicating the sales tools to one or more selected customers or potential customers via the server application” as claimed in claim 1(e). For this reason and the reasons discussed above, Agent for Application respectfully submits that claim 1 is patentable.

Claims 2-27

Claims 2-12 depend (directly or indirectly) from claim 1. For the reasons above, Agent for Applicant respectfully submits that claims 2-12 are patentable.

With regards to claim 13, Examiner presents the same objections to claim 13 as raised for claim 1. Therefore, for the reasons discussed above, Agent for Applicant respectfully submits that claim 13 is patentable.

Claims 14-25 depend (directly or indirectly) from claim 13. For the reasons above, Agent for Applicant respectfully submits that claims 14-25 are patentable.

With regards to claim 26, Examiner presents the same objections to claim 26 as raised for claim 1. Therefore, for the reasons discussed above, Agent for Applicant respectfully submits that claim 26 is patentable.

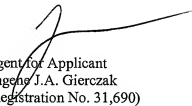
With regards to claim 27, Examiner presents the same objections to claim 27 as raised for claim 1. Therefore, for the reasons discussed above, Agent for Applicant respectfully submits that claim 27 is patentable.

CONCLUSIONS:

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the application to be in allowable condition or believe that a conference call would be of value in expediting the prosecution of the application, Applicant requests that the Examiner telephone the undersigned Counsel to discuss the case.

Yours faithfully,



Agent for Applicant
Eugene J.A. Gierczak
(Registration No. 31,690)
MILLER THOMSON LLP
Barristers & Solicitors
Scotia Plaza, P.O. Box 1011
40 King Street West, Suite 5800
Toronto, Ontario Canada M5H 3S1
Telephone No. 416.596.2132
Telecopier No. 416.595.8695
EJAG/kld

Encl

cc: Gabrielle Jeans